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10 UNITED STATES DISTRICT COURT FOR THE
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE

13 UNITED STATES OF AMERICA,

14 NO. CR17-233JLR

15 Plaintiff,

16 **SUPERSEDING INFORMATION**

17 v.

18 JESUS OCTAVIO RODRIGUEZ-PAYAN,
19 a/k/a "Tavo," "Tavito,"

20 Defendant.

21 The United States charges that:

22 **COUNT 1**

23 **(Conspiracy to Distribute Controlled Substances)**

24 Beginning at a time unknown, but within the past five years, and continuing until
25 on or about September 20, 2017, in King and Snohomish Counties, within the Western
26 District of Washington, and elsewhere, JESUS OCTAVIO RODRIGUEZ-PAYAN and
27 others known and unknown, did knowingly and intentionally conspire to distribute
28 substances controlled under Title 21, United States Code, Section 812, Schedules I and II,
 including heroin, cocaine, fentanyl, and methamphetamine, contrary to the provisions of
 Title 21, United States Code, Sections 841(a)(1).

Specific Quantity Allegations as to Heroin

With respect to Defendant JESUS OCTAVIO RODRIGUEZ-PAYAN, his conduct as a member of the conspiracy charged in Count 1, which includes the reasonably foreseeable conduct of other members of the conspiracy charged in Count 1, involved one kilogram or more of a substance containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(A).

Specific Quantity Allegations as to Methamphetamine

With respect to Defendant JESUS OCTAVIO RODRIGUEZ-PAYAN, his conduct as a member of the conspiracy charged in Count 1, which includes the reasonably foreseeable conduct of other members of the conspiracy charged in Count 1, involved 50 grams or more of actual methamphetamine, and/or 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, in violation of Title 21, United States Code, Section 841(b)(1)(A).

14 All in violation of Title 21, United States Code, Section 846.

COUNT 2

(Conspiracy to Commit Money Laundering)

17 Beginning at a date unknown, but within the last five years, and continuing until
18 on or about September 26, 2017, in the Western District of Washington, and elsewhere,
19 JESUS OCTAVIO RODRIGUEZ-PAYAN, and others known and unknown, unlawfully
20 and knowingly combined, conspired, confederated and agreed together and with each
21 other to commit certain money laundering offenses under Title 18, United States Code,
22 Sections 1956, as follows:

(1956(a)(1))

24 (1) Did conduct and attempt to conduct financial transactions, that is:
25 transactions involving the movement of funds by wire and other means affecting
26 interstate and foreign commerce, and transactions involving the use of a financial
27 institution which is engaged in and affects interstate and foreign commerce, which in fact

involved the proceeds of specified unlawful activity, that is, conspiracy to distribute controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1), and 846, knowing that the property involved in the financial transactions represents the proceeds of some form of unlawful activity:

(A) knowing that the transactions are designed in whole or in part –

(i) to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of the specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i); and

(ii) to avoid a transaction reporting requirement under State and

10 | Federal law, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(ii); and

(1956(a)(2))

(2) Did transport, transmit, and transfer, and attempt to transport, transmit, and transfer a monetary instrument and funds from a place in the United States to and through a place outside the United States –

(A) knowing that the monetary instrument and funds involved in the transportation, transmission, and transfer represent the proceeds of some form of unlawful activity that is, conspiracy to distribute controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846, and knowing that such transportation, transmission, and transfer is designed in whole or in part –

(i) to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(2)(B)(i); and

(ii) to avoid a transaction reporting requirement under State and Federal law, in violation of Title 18, United States Code, Section 1956(a)(2)(B)(ii).

The United States further alleges that this offense was committed during and in furtherance of the conspiracy charged in Count 1 above.

All in violation of Title 18, United States Code, Section 1956(h).

1 **ASSET FORFEITURE ALLEGATION**

2 *Conspiracy to Distribute Controlled Substances*

3 The allegations contained in Count 1 of this Superseding Information are hereby
4 realleged and incorporated by reference for purpose of alleging forfeitures pursuant to
5 Title 21, United States Code, Section 853.

6 Upon conviction of the offenses alleged in Count 1 of the Indictment, the
7 Defendant JESUS OCTAVIO RODRIGUEZ-PAYAN shall forfeit to the United States,
8 pursuant to Title 21, United States Code, Section 853, any property constituting, or
9 derived from, any proceeds obtained, directly or indirectly, as the result of that offense,
10 and also shall forfeit any property used, or intended to be used, in any manner or part, to
11 commit, or to facilitate the commission of, that offense including but not limited to:

- 12 (1) \$4,559 in U.S. currency that was seized from the Defendant's residence in
13 Mountlake Terrace, Washington on September 26, 2017; and,
14 (2) \$44,880 in U.S. currency that was seized from co-Defendant Jorge Ulloa-
15 Sarmiento's residence in Everett, Washington on September 26, 2017.

16 *Conspiracy to Commit Money Laundering*

17 The allegations contained in Count 2 of this Superseding Information are hereby
18 realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to
19 Title 18, United States Code, Section 982(a)(1).

20 Upon conviction of the offense alleged in Count 2 of the Superseding Information,
21 JESUS OCTAVIO RODRIGUEZ-PAYAN shall forfeit to the United States, pursuant to
22 Title 18, United States Code, Section 982(a)(1), any and all property involved in the
23 offense and any property traceable to such property, including but not limited to:

- 24 (1) \$4,559 in U.S. currency that was seized from the Defendant's residence in
25 Mountlake Terrace, Washington on September 26, 2017; and,
26 (2) \$44,880 in U.S. currency that was seized from co-Defendant Jorge Ulloa-
27 Sarmiento's residence in Everett, Washington on September 26, 2017.

Substitute Assets

If any of the above described forfeitable property, as a result of any act or omission of the Defendant,

1. cannot be located upon the exercise of due diligence;
 2. has been transferred or sold to, or deposited with, a third party;
 3. has been placed beyond the jurisdiction of the Court;
 4. has been substantially diminished in value; or
 5. has been commingled with other property which cannot be divided without difficulty;

10 it is the intent of the United States, pursuant to Title 21, United States Code, Section
11 853(p), to seek the forfeiture of any other property of the Defendants up to the value of
12 the above-described forfeitable property.

DATED the 27 th day of September, 2019


BRIAN T. MORAN
United States Attorney

KARYN S. JOHNSON
Assistant United States Attorney


NICHOLAS MANHEIM
Assistant United States Attorney